

AMENDED IN ASSEMBLY MAY 2, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 594

Introduced by Assembly Member Dymally

February 21, 2007

An act to add Chapter 13.8 (commencing with Section 25990) to Division 20 of the Health and Safety Code, relating to ~~farm animals~~ *pigs*.

LEGISLATIVE COUNSEL'S DIGEST

AB 594, as amended, Dymally. ~~Farm animals:~~ *Pigs: tethering and confinement.*

Existing law generally regulates the treatment of farm animals.

This bill would, subject to exceptions and commencing July 1, ~~2013~~ *2011*, prohibit any person from ~~keeping a farm animal, as defined, confined in an enclosure that does not permit sufficient space for each animal to stand, lie down, get up, move his or her head freely, rest, turn around completely, and extend all limbs and wings without touching any part of the enclosure or other animals tethering or confining a pig during pregnancy, or on a farm, for all or the majority of any day, in a manner that prevents the animal from lying down and fully extending its limbs or turning around freely.~~

Violation of these provisions would be punishable by ~~a citation for a civil~~ fine of up to \$1,000 for each violation, and up to \$1,000 for each day that the violation continues, *or both, or by imprisonment in a county jail not exceeding 90 days*. The fine would be payable to the local agency issuing the citation.

Because this bill would create a new crime, this bill would impose a state-mandated, local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 13.8 (commencing with Section 25990)
2 is added to Division 20 of the Health and Safety Code, to read:

3
4 CHAPTER 13.8. FARM ANIMAL CONFINEMENT
5

6 25990. For purposes of this section, the following terms have
7 the following meanings:

8 (a) ~~“Covered farm animal” means any domesticated mammal~~
9 ~~or bird that is used for food or fiber production.~~

10 (b) ~~“Enclosure” means any cage, crate, or other structure used~~
11 ~~to confine a covered farm animal.~~

12 (a) *“Farm” means the land, building, support facilities, and*
13 *other equipment that is wholly or partially used for the production*
14 *of animals for food or fiber.*

15 (b) *“Pig” means any animal of the porcine species.*

16 (c) *“Turning around freely” means having the ability to turn*
17 *around in a complete circle without any impediment, including a*
18 *tether, or, in the case of an animal in an enclosure, including what*
19 *is commonly described as a “gestation crate” or “gestation stall,”*
20 *without touching any side of the enclosure.*

21 (e)

22 (d) *“Person” means any individual, firm, partnership, joint*
23 *venture, association, limited liability company, corporation, estate,*
24 *trust, receiver, or syndicate.*

25 25991. ~~No~~ *Except as provided in Section 25992, no person*
26 *may keep any covered farm animal in an enclosure for all or the*
27 *majority of any day that does not provide sufficient space for each*
28 *animal to stand, lie down, get up, move his or her head freely, rest,*
29 *turn around completely, and extend all limbs and wings without*

1 ~~touching any part of the enclosure or other animals; tether or~~
2 ~~confine any pig during pregnancy, or on a farm, for all or the~~
3 ~~majority of any day, in a manner that prevents the animal from~~
4 ~~lying down and fully extending its limbs or turning around freely.~~

5 25992. ~~For purposes of this chapter, “covered farm animal”~~
6 ~~does not include animals during lawful transportation, lawful rodeo~~
7 ~~exhibits, state or county fair exhibitions, 4-H programs, lawful~~
8 ~~slaughter, lawful scientific or agricultural research, or examination;~~
9 ~~test, individual treatment, or operation for veterinary purposes, or~~
10 ~~pigs during the seven-day period prior to the pig’s expected date~~
11 ~~of giving birth.~~

12 25992. *A person may tether or confine a pig in the manner*
13 *prohibited by Section 25991 during the following periods:*

14 (a) *During the seven-day period before the pig’s expected date*
15 *of giving birth.*

16 (b) *During lawful scientific or agricultural research.*

17 (c) *During examination, testing, individual temporary treatment,*
18 *or operation for veterinary purposes.*

19 (d) *During lawful transportation.*

20 (e) *During lawful rodeo exhibitions, state or county fair*
21 *exhibitions, and 4-H programs.*

22 (f) *During the killing of a pig in accordance with the provisions*
23 *of Chapter 6 (commencing with Section 19501) of Division 9 of*
24 *the Food and Agricultural Code, relating to humane methods of*
25 *slaughter, and other applicable laws and regulations.*

26 25993. (a) A peace officer, officer of a humane society as
27 qualified under Section 14502 or 14503 of the Corporations Code,
28 or officer of an animal control or animal regulation department of
29 a public agency as qualified under Section 830.9 of the Penal Code,
30 may issue a citation to a person or entity that violates this chapter.

31 ~~(b) A citation issued under this section shall require the person~~
32 ~~cited to pay a civil penalty in an amount up to one thousand dollars~~

33 (b) *A violation of Section 25991 is a misdemeanor punishable*
34 *by a fine not exceeding one thousand dollars (\$1,000) for each*
35 *violation, and up to one thousand dollars (\$1,000) for each day*
36 *that the violation continues, or both, or by imprisonment in a*
37 *county jail not exceeding 90 days.* ~~The civil penalty~~ *Any penalty*
38 *imposed pursuant to this section shall be payable to the local*
39 *agency initiating the proceedings to enforce this chapter to offset*
40 *the costs to the agency-related court proceedings.*

1 (c) A person who violates this chapter may be prosecuted by
2 the district attorney of the county in which the violation occurred,
3 or by the city attorney of the city in which the violation occurred.

4 25994. (a) Sections 25990, 25991, 25992, and 25993 shall
5 become operative on July 1, ~~2013~~ 2011.

6 (b) It is the express intention of the Legislature, by delaying the
7 operative date of the provisions of this chapter, to allow a ~~six-year~~
8 period for persons and entities engaged in agricultural practices
9 to modify their business practices to conform to the provisions of
10 the chapter.

11 *SEC. 2. No reimbursement is required by this act pursuant to*
12 *Section 6 of Article XIII B of the California Constitution because*
13 *the only costs that may be incurred by a local agency or school*
14 *district will be incurred because this act creates a new crime or*
15 *infraction, eliminates a crime or infraction, or changes the penalty*
16 *for a crime or infraction, within the meaning of Section 17556 of*
17 *the Government Code, or changes the definition of a crime within*
18 *the meaning of Section 6 of Article XIII B of the California*
19 *Constitution.*